THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 16th October, 2006

W.P.No.25707 of 2002

Between:

Jayaramulu … Petitioner

and

The District Collector, Anantapur
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.25707 of 2002

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the action of the respondents in initiating proceedings under the provisions of the A.P. Revenue Recovery Act (for short 'the Act') and issuing notices in Form Nos.IV and V as arbitrary and illegal.

At the time of admission of the Writ Petition, an interim order was granted on 27-12-2002 staying all further proceedings pursuant to the impugned notices.

Heard both sides and perused the entire material made available on record.

The only grievance of the petitioner is that before issuing the impugned notice, no enquiry was made and no notice of any kind was issued to him. Insofar as this allegation is concerned, it is stated in the counter affidavit that the petitioner was absconding and therefore, a notice under Section 25 of the Act in Form No.IV, dated 1-12-2002 was affixed on the door of the petitioner's premises and also over agricultural land in Sy.No.517 of K.K.Agraharam village giving 15 days time. But, no response has been received from the petitioner. Thereafter, a notice under Section 27 of the Act was issued on 16-12-2002 and the same was also affixed on the petitioner's residential premises and also over the agricultural land in Sy.No.517 of K.K.Agraharam village.

The above averments in the counter would themselves show that

the petitioner was not served with any notice properly nor any enquiry has been conducted into the matter. In view of the above, the impugned notice is declared as arbitrary and illegal. However, this will not preclude the authorities from conducting enquiry under Sections 25 and 27 of the Act after issuing fresh notice to the petitioner and proceeding with the matter as per law.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

16-10-2006

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